

May 4, 2004

The Walton County Board of Commissioners held its regular monthly meeting on Tuesday, May 4, 2004 at 6:00 p.m. in the Courthouse Annex VI Superior Courtroom, 116 South Broad Street, Monroe, Ga. Those present included Chairman Kevin Little, Commissioners Clinton Ayers, Michael Turner, Phil Green, Lamar Palmer, Gerald Atha and John Robinson, County Clerk Leta Talbird, County Attorney Ken Lander and Planning Director Mike Martin. A list of citizens and other employees in attendance at this meeting is on file in the auxiliary file under this meeting date.

Judge Marvin Sorrells came before the Board to request a part-time position for his secretary, Harriett Biggers, at such time that he becomes a Senior Judge.

Chairman Little called the meeting to order at 6:10 p.m. and led those present in the Pledge of Allegiance. Commissioner Green opened the meeting in prayer.

Commissioner Robinson made a motion to adopt the agenda as presented. Commissioner Atha seconded the motion. All voted in favor.

Attorney Tommy Craig came before the Board to present a proposal for services related to the Monroe Bypass. Commissioner Robinson made a motion to approve the proposal, not to exceed \$35,000.00. Commissioner Green seconded the motion; voted and carried unanimously.

The Board considered a Local Certification Acceptance of changes to the County's road inventory. Commissioner Green made a motion to approve the changes. Commissioner Palmer seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to R-1 for Kipland Land Corp. The effected property, owned by Kipland Land Corp., William R. & Evelyn D. Holden, is located on Gene Bell Road and is further identified on WC Tax Map C 166, Parcels 14 & 15. The purpose of the request is to rezone 38.136 acres to R-1 for a single-family subdivision. Chairman Little stated that upon the advice of the County Attorney, there would be no public hearing at this meeting on this rezone request. He stated that the public hearing was held at the 4/6/04 meeting, at which time there was not an affirmative vote on the matter. Commissioner Atha recused himself and left the room. Commissioner Robinson made a motion to approve the rezone. Commissioner Palmer seconded the motion. Commissioners Green, Palmer and Robinson voted in favor of the motion. Commissioners Ayers and Turner opposed the motion. The motion carried 3-2.

The Board considered a Planning Commission recommendation to deny a request to amend the Land Use Designation from Agriculture/Medium Density to High Density Residential for Neslee, LLC. The effected property, owned by WASCO Manufacturing, is located on Monroe Jersey Road and is further identified on WC Tax Map C103, Parcels 41 split & 43. The purpose of the request is to change the land use designation to High Density Residential on 102.75 acres. Chairman Little opened the public hearing on the matter. Andy Malcom, representing the applicant, and Sallie Dahmes, owner of the property, came before the Board in support of the request. Charles Sanders and William Chapman, speaking on behalf of area property owners, spoke in opposition to the request, stating that the proposed development is in conflict with the WC Comprehensive Land Use Plan and would change the rural character of the area. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to deny

the request, based on the Planning Commission recommendation. Commissioner Green seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to deny a rezone request from A-1 to RND for Neslee, LLC. The effected property, owned by WASCO Manufacturing, is located on Monroe Jersey Road and is further identified on WC Tax Map C103, Parcels 41 split & 43. The purpose of the request is to rezone 102.747 acres to RND for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Doug Dillard, representing the applicant, came before the Board in support of the rezone. Andy Malcom and Sallie Dahmes also spoke in favor of the rezone. William Chapman Spoke in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to deny the rezone. Commissioner Atha seconded the motion; voted and carried unanimously.

At 7:25 p.m., Commissioner Ayers made a motion, seconded by Commissioner Green, to take a 10-minute recess. All voted in favor.

At 7:40 p.m., Commissioner Ayers made a motion, seconded by Commissioner Green, to resume the meeting. All voted in favor.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 for James M. Hyatt. The effected property is located at 3347 Tom Brewer Road and is further identified on WC Tax Map C 45, Parcel 7. The purpose of the request is to rezone 2.94 acres to R-1 for one additional building lot. Chairman Little opened the public hearing on the matter. James Hyatt came before the Board in support of the rezone. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion, seconded by Commissioner Ayers, to approve the rezone. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 & B-2 to B-2 and remove zoning conditions on .65 acres for Chris & Judy McDonald. The effected property is located on Ga. Hwy. 138 and H.D. Atha Road and is further identified on WC Tax Map C 76 Parcels 39 & 39A. The purpose of the request is to rezone 7.953 acres to B-2 and remove zoning (rezone Z98655) conditions on .65 acres zoned B-2. Chairman Little opened the public hearing on the matter. Stephen Fusco, representing the applicant, came before the Board in support of the request. There was no one present in opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Green made a motion to approve the rezone and remove the zoning conditions, with recommendations from the Planning & Development Department staff. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 with Open Space Conservation Overlay for David Willet. The effected property, owned by William Nix, East Atlanta Properties & Jack W. Sockwell, is located on Emmett Still Road and further identified on WC Tax Map C 29, Parcel 23 split, 24 & 25 split. The purpose of the request is to rezone 54 acres to R-1 with OSC Overlay for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. David Willett came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Green made a motion to approve the rezone with the conditions that the houses be a minimum of 2,400 sq. ft. and 4 sides brick. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve an amendment to the Land Use Designation on 2.25 acres from High Density Residential to Commercial, with conditions, for Susan Maloy & Marsha Chancey. The effected property is located at 3799 Ga. Hwy. 81 and is further identified on WC Tax Map C 21, Parcel 10DP. Chairman Little opened the public hearing on the matter. Commissioner Ayers recused himself and left the room. Bob Barr, representing the applicant, came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the amendment to the land use designation for the 2.25-acre parcel only. Commissioner Green seconded the motion. All voted in favor, with Commissioner Ayers recusing himself from a vote on the matter.

The Board considered a Planning Commission recommendation to approve a rezone request from A-1 to B-2, with conditions, for Susan Maloy & Marsha Chancey. The effected property is located at 3799 Ga. Hwy. 81 and is further identified on WC Tax Map C 21, Parcel 10DP. The purpose of the request is to rezone 2.25 acres to B-2 for a daycare center. Chairman Little opened the public hearing on the matter. Commissioner Ayers recused himself. Bob Barr, representing the applicant, came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone. Commissioner Green seconded the motion. All voted in favor, with Commissioner Ayers recusing himself from a vote on the matter.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-2 to R-1 with Open Space Conservation Overlay for A. Fortner Construction Company, Inc. The effected property, owned by Norris Cown, is located on Woodvalley Drive/Windridge Subdivision and is further identified on WC Tax Map C 61, Parcel 7. The purpose of the request is to rezone 35.774 acres to R-1 with OSC Overlay for a single-family residential subdivision (Phase III of Windridge Subdivision). Chairman Little opened the public hearing on the matter. Attorney Gene Benton, representing the applicant, came before the Board in support of the request. He reserved the applicant's Constitutional rights for the record. John Coleman came before the Board to ask if any stipulations could be placed on the rezone to ensure the homes build would be comparable to the homes in the surrounding area. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone with the conditions that the houses will be 2,200 sq. ft. minimum with brick or stone fronts. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 with Open Space Conservation Overlay for A. Fortner Construction Company, Inc. The effected property, owned by Hanson Aggregates Southeast, Inc., is located on Rabbit Farm Road and further identified on WC Tax Map C 28, Parcel 111. The purpose of the request is to rezone 93.09 acres to R-1 with OSC Overlay for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Gene Benton, representing the applicant, came before the Board in support of the request. He reserved the applicant's Constitutional rights for the record. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone with the conditions that there be a maximum of 65 lots and that the plan will be reviewed by the Planning & Development Office and the Roads & Bridges Department to determine if two entrances are necessary, and if they deem them necessary, the applicant will be required to put two entrances in. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1, for Donald Myers. The effected property is located on Sharon Church Road and is further identified on WC Tax Map C 11, Parcels 158 & 159. The purpose of the request is to rezone 3.037 acres to R-1 for 3 single-family residential lots. Chairman Little opened the public hearing on the matter. Donald Myers came before the Board in support of the request. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Turner made a motion to approve the rezone with the condition that there will be no visual barriers put up on the first lot to obstruct the line of vision of traffic coming around the curve. Commissioner Green seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve an amendment to the Land Use Designation on 4+ acres from High Density Residential to Commercial for Kenneth Murray, Sr. The effected property is located on Michael Etchison Road and is further identified on WC Tax Map C 95, Parcels 11, 12, 13 & 14. Chairman Little opened the public hearing on the matter. Attorney Gene Benton, representing the applicant, came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the amendment. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve a rezone request from R-2 to B-2 for Kenneth Murray, Sr. The effected property is located on Michael Etchison Road and is further identified on WC Tax Map C 95, Parcels 11, 12, 13 & 14. Chairman Little opened the public hearing on the matter. Attorney Gene Benton, representing the applicant, came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the rezone. Commissioner Green seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 with Open space Conservation Overlay for East Atlanta Properties & Arcovia Properties. The effected property is located on Watson Fain Road & Ga. Hwy. 81 and is further identified on WC Tax Map C 35, Parcel 4 split. The purpose of the request is to rezone 52 acres to R-1 with OSC Overlay for a single-family subdivision. Chairman Little opened the public hearing on the matter. David Willett came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion, seconded by Commissioner Turner, to approve the rezone contingent upon the Department of Transportation's approval of the road. All voted in favor.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to A-2 with Open Space Conservation Overlay for Dale Overstreet. The effected property, owned by Garland Breedlove, is located on Ike Stone Road and is further identified on WC Tax Map C 163, Parcel 176 split. The purpose of the request is to rezone 41 acres to A-2 with OSC Overlay for a single-family subdivision. Chairman Little opened the public hearing on the matter. John Shay, representing the applicant, came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the rezone contingent upon the houses being a minimum of 2,000 sq. ft. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to A-2 with Open Space Conservation Overlay for Geoff Couch. The effected property is located on Bradley Gin Road and is further identified on WC Tax Map C 176, Parcels 5 & 1 split. The purpose of the request is to rezone 62.35 acres to A-2 with OSC Overlay for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Don Osbourne, representing the applicant, came before the Board in support of the rezone. He reserved the applicant's Constitutional rights for the record. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the rezone conditioned upon the houses being a minimum of 2,000 sq. ft. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 with a Green Space Overlay for MBA Enterprises, LLC. The effected property, owned by Dr. K. Joseph & Dr. K. Matthew, is located on Bullock Bridge Road and is further identified on WC Tax Map C 59, Parcels 32 & 33. The purpose of the request is to rezone 53 acres with a GS Overlay for a single-family residential subdivision. Chairman Little opened the public hearing on the matter. Charles Williams of MBA Enterprises came before the Board in support of the rezone. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Ayers made a motion to approve the rezone. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered a Planning Commission recommendation to approve, with conditions, a rezone request from A-1 to R-1 for West Walton Properties. The effected property is located on Rao Drive/Michael Etchison Road and is further identified on WC Tax Map C 95, Parcel 20. The purpose of the request is to rezone 6.533 acres to R-1 for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Gene Benton, representing the applicant, came before the Board in support of the rezone. He reserved the applicant's Constitutional rights for the record. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Atha made a motion to approve the rezone with the condition that the houses will be a minimum of 2,000 sq. ft. Commissioner Robinson seconded the motion. All voted in favor.

The Board considered a Planning Commission recommendation to approve a rezone request from A-2 to R-1 with Open Space Conservation Overlay for Meridian Development Corporation. The effected property, owned by Betty Camp, is located on Laboon Road and is further identified on WC Tax Map C 166, Parcel 213. The purpose of the request is to rezone 30.788 acres to R-1 with OSC Overlay for a single-family subdivision. Chairman Little opened the public hearing on the matter. Attorney Gene Benton, representing the applicant, came before the Board in support of the rezone. He reserved the applicant's Constitutional rights for the record. There was no one present in opposition to the rezone. Chairman Little closed the public hearing on the matter. Commissioner Robinson made a motion to approve the rezone. Commissioner Palmer seconded the motion; voted and carried unanimously.

The Board considered a Conditional Use request for a Guesthouse for Carlton A. Wilson, Sr. The effected property is located at 3791 Kraddle Kreek Drive and is further identified on WC Tax Map N 81B, Parcel 6. Chairman Little opened the public hearing on the matter. Rhonda Wilson came before the Board in support of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Green made a motion to approve the Conditional Use. Commissioner Turner

seconded the motion; voted and carried unanimously.

The Board considered a Conditional Use request for a Guesthouse for Michael E. Corbean. The effected property is located at 982 Michael Road and is further identified on WC Tax Map C 178, Parcel 81. Chairman Little opened the public hearing on the matter. There was no one present in support or in opposition to the request. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion to approve the Conditional Use. Commissioner Atha seconded the motion. All voted in favor.

The Board considered a Conditional Use request for a church for Fellowship Baptist Church. The effected property, owned by Ronald H. Ward Minority Trust, is located on Ga. Hwy. 11 and is further identified on WC Tax Map C 140, Parcel 21 split. Chairman Little opened the public hearing on the matter. Neal Jackson and Tommy Brown spoke in favor of the request. There was no one present in opposition. Chairman Little closed the public hearing on the matter. Commissioner Palmer made a motion, seconded by Commissioner Robinson, to approve the Conditional Use. All voted in favor.

Commissioner Atha made a motion to accept the following rights of way: Churchill Commons – Rockview Lane, Rock Court, Rockview Terrace & Alcovy Lakes II – Red Oak Drive & Overlook Pass. Commissioner Robinson seconded the motion; voted and carried unanimously.

The Board considered the following annexation requests from the City of Loganville: Annexation A04-005 – 36 acres - Claude Brewer Road, A04-019 – 10 acres – Hwy. 81 South, A04-023 – 240.73 acres – Hwy. 81 & A04-028 – 12.206 acres – Baker Carter Drive. Commissioner Ayers recused himself from voting on the matter. Commissioner Turner made a motion to deny the annexation in accordance with O.C.G.A. 36-36-4, which bars the formation of unincorporated islands by annexation. Commissioner Atha seconded the motion. All voted in favor, with Commissioner Ayers recusing himself.

Commissioner Turner made a motion to adopt a resolution to adopt a Joint County Municipality Land Use Classification Dispute Resolution Process. Commissioner Ayers seconded the motion; voted and carried unanimously.

Commissioner Green made a motion to approve a Service Delivery Strategy Dispute Resolution Process Implementation Agreement with the City of Walnut Grove. Commissioner Turner seconded the motion; voted and carried unanimously.

The Board considered an Intergovernmental Agreement with the City of Between for Building Inspection Services. Commissioner Ayers made a motion to approve the Agreement. Commissioner Turner seconded the motion. All voted in favor.

The Board considered a Memorandum of Agreement for Transportation Planning Coordination and Cooperation between the Atlanta Regional Commission, Walton County and the Georgia Department of Transportation related to transportation planning activities of the Atlanta Metropolitan Transportation Planning Area. Commissioner Turner made a motion to approve the agreement. Commissioner Green seconded the motion; voted and carried unanimously.

The Board considered a request from the Walton County Board of Education to use the County's 911 towers for its radio trunking system. Commissioner Ayers made a motion to grant the BOE use of the towers for one year and after that time period, that the County enter into negotiations with the BOE

for renewal. Commissioner Turner seconded the motion; voted and carried unanimously.

Chairman Little read aloud a proclamation proclaiming May 2004 Foster Care Recognition Month in Walton County. Commissioner Turner made a motion to approve the proclamation. Commissioner Palmer seconded the motion. All voted in favor.

County Attorney Ken Lander updated the Board regarding a nomination for appointment to the Walton County Personnel Advisory Board.

Commissioner Robinson commended Planning & Development Department personnel Keith Sargeant and Morgan Wheeler for their exemplary job on current WC Board of Education construction sites.

At 9:00 p.m., Commissioner Robinson made a motion, seconded by Commissioner Palmer, to adjourn the meeting. All voted in favor.

All documents of record for this meeting are on file in either the addendum book or auxiliary file under this meeting date.

<hr/> KEVIN W. LITTLE, CHAIRMAN	<hr/> LETA P. TALBIRD, CLERK
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<hr/> CLINTON AYERS, DISTRICT 1	<hr/> MICHAEL TURNER, DISTRICT 2
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<hr/> HARRY P. GREEN, DISTRICT 3	<hr/> LAMAR PALMER, DISTRICT 4
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<hr/> GERALD ATHA, DISTRICT 5	<hr/> JOHN ROBINSON, DISTRICT 6
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